

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TENNESSEE**

AUTO-OWNERS INSURANCE COMPANY,

Plaintiff,

vs.

**SOUTHEASTERN CAR WASH SYSTEMS,
MILLER ELECTRIC, INC., THERESA EVANS,
Individually and d/b/a ISLAND OASIS,
and D'ALTON PROPERTIES, LLC,**

Defendants.

Civil Action No. 1:15-cv-212

**DEFENDANTS THERESA EVANS, INDIVIDUALLY AND D/B/A
ISLAND OASIS, AND D'ALTON PROPERTIES, LLC'S MOTION FOR
JUDGMENT ON THE PLEADINGS TO DISMISS
PLAINTIFF'S COMPLAINT FOR DECLARATORY JUDGMENT**

Defendants Theresa Evans, Individually and d/b/a Island Oasis and D'Alton Properties, LLC (collectively the "Car Wash Defendants") respectfully move this Court to dismiss the claims asserted against them in the Complaint for Declaratory Judgment filed by plaintiff, Auto-Owners Insurance Company ("Plaintiff") pursuant to Federal Rule of Civil Procedure 12(c). Car Wash Defendants reasons are more fully set forth in the accompanying Memorandum of Points and Authorities in Support of Car Wash Defendants Motion for Judgment on the Pleadings to Dismiss Plaintiff's Complaint for Declaratory Judgment. Car Wash Defendants alternatively move for such other relief as the Court deems appropriate. Car Wash Defendants also request a hearing on their Motion for Judgment on the Pleadings to Dismiss Plaintiff's Complaint for Declaratory Judgment.

WHEREFORE, Car Wash Defendants pray that the Court grant their Motion for Judgment on the Pleadings to Dismiss with prejudice and for any other relief to which Car Wash Defendants may be entitled.

Respectfully submitted this 5th day of December, 2015.

Dated: December 5, 2015.

Respectfully submitted,

JONES & ASSOCIATES

By: /s/ **Kent T. Jones**

KENT T. JONES (BPR # 20158)

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Attorneys for Defendants

Theresa Evans, individually, and

d/b/a Island Oasis and

D'Alton Properties, LLC.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on December 5, 2015, a copy of the within and foregoing document was filed electronically with the Court. Notice of this filing will be sent to the following parties by operation of the Court's filing system. Parties may access this filing through the Court's system.

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This 5th day of December, 2015

/s/ **Kent T. Jones**

KENT T. JONES

Attorneys for Theresa Evans, individually and

d/b/a Island Oasis, and D'Alton Properties,

LLC.